

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JASON BEARDEN and
RONALD BEARDEN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RONALD BEARDEN,

Respondent-Appellant,

and

PARRY JO GREEN,

Respondent.

UNPUBLISHED

August 17, 2004

No. 253481

Oakland Circuit Court

Family Division

LC No. 02-665560-NA

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his children pursuant to MCL 712A.19b(3)(c)(i) (conditions that lead to adjudication continue to exist), and (g) (failure to provide proper care or custody).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from

¹ The trial court's order also terminated the parental rights of respondent Patty Jo Green, the children's mother. Green has not appealed the order. The order erroneously spells Green's first name as "Parry." During the pendency of these proceedings respondent and Green became the parents of another child. The order on appeal in this case did not adjudicate respondent's parental rights to that child.

evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Petitioner took the children into custody after a sibling died, and because respondent and Green were homeless and were addicted to crack cocaine and alcohol. Respondent underwent in-patient substance abuse treatment as required, but otherwise substantially failed to comply with the terms of his parent-agency agreement. At the time of the termination hearing, respondent did not have stable housing or verifiable employment, and admitted that he had consumed alcohol recently. Respondent's circumstances were essentially unchanged from the time the children were removed from his custody. The trial court did not clearly err in concluding that termination of respondent's parental rights was warranted on the grounds that the conditions that lead to adjudication continued to exist and were unlikely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), and that respondent failed to provide proper care or custody for the children and would be unable to do so within a reasonable time, MCL 712A.19b(3)(g). Furthermore, the trial court's finding regarding the children's best interests was not clearly erroneous. *Trejo, supra* at 364-365.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper
/s/ Kirsten Frank Kelly